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In re Application of HIRANO et al  
U.S. Application No.: 09/889,088  
Int. Application No.: PCT/EP00/11288  
Int. Filing Date: 10 November 2000  
Priority Date: 12 November 1999  
Attorney Docket No.: PHJP000026 US  
For: LIQUID CRYSTAL DISPLAY DEVICE

DECISION

This is in response to the "Renewed Request for Status Under 37 CFR 1.42" and "Petition Under 37 CFR 1.182" filed 17 January 2002.

#### BACKGROUND

On 10 November 2000, applicants filed international application PCT/EP00/11288, which claimed priority of an earlier Japan application filed 12 November 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 12 July 2001.

On 11 July 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1), a declaration, and a request for status under 37 CFR 1.42. According to the declaration, joint inventor Takeo Kamiya is deceased.

On 03 October 2001, this Office mailed a decision dismissing the 11 July 2001 request for status on grounds that the declaration is not in full compliance with 37 CFR 1.497(b)(2). The decision also notified applicants of a discrepancy between the fourth inventor's name listed in the international application and the fourth inventor's name listed on the declaration.

On 17 January 2002, applicants filed the present renewed request for status under 37 CFR 1.42, the present petition under 37 CFR 1.182, and a new declaration.

## DISCUSSION

### I. Renewed Request for Status under 37 CFR 1.42.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

In the present case, the declaration filed 17 January 2002 is in compliance with 37 CFR 1.42 and 37 CFR 1.497.

### II. Petition under 37 CFR 1.182.

A review of the application file reveals that the name of the fourth inventor is listed as "Shuji Hagino" in the declaration but is listed as "Hagino Shuji" in the international application. Applicant has provided a statement by Akihiko Miyazaki, the person with apparent firsthand knowledge of the error, specifying that the error was made by the attorneys who prepared an inventor information sheet. The statement further states that this error was inadvertent and occurred without deceptive intent. Applicants' explanation of the difference in the inventor's name is accepted and noted for the record.

## CONCLUSION

For the reasons set forth in §I above, the papers filed 17 January 2002 are ACCEPTED under 37 CFR 1.42.

For the reasons set forth in §II above, the petition under 37 CFR 1.182 is GRANTED.

The surcharge set forth in 37 CFR 1.492(e) and the petition fee set forth in 37 CFR 1.17(h) will be charged to Deposit Account No. 14-1270 per applicants' authorization.

The application has an International Filing Date of 10 November 2000 and a date under 35 U.S.C. 371 of 17 January 2002.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision.

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